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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/441,106	11/16/1999	JOSEPH W. KUTER	LUCENT-01400	3860
28960	7590	05/19/2004	EXAMINER	
HAVERSTOCK & OWENS LLP 162 NORTH WOLFE ROAD SUNNYVALE, CA 94086			ANWAH, OLISA	
		ART UNIT		PAPER NUMBER
		2645		74

DATE MAILED: 05/19/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/441,106	KUTER ET AL.	
	Examiner Olisa Anwah	Art Unit 2645	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 29 April 2004.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-63 is/are pending in the application.
- 4a) Of the above claim(s) 1-47 is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 48-63 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claims 48-63 are rejected under 35 U.S.C § 103(a) as being unpatentable over Haddock, European Patent Application No. 0,679,005 (hereinafter Haddock).

Regarding claim 48, Haddock discloses an apparatus for marking and accessing bookmarks within a voice message comprising:

a storage media to store the voice message (col. 1, lines 5 and 6);

a processing unit coupled to the storage media to automatically search the voice message for a predetermined content and automatically bookmark located predetermined content within the voice message (col. 8, lines 15-25), wherein the

Art Unit: 2645

predetermined content is selected from the group consisting of telephone numbers, dates and times (col. 5, lines 40-55); and a user interface coupled to the processing unit to access the voice message at the bookmark (see Figure 1).

Haddock does not explicitly disclose the group includes e-mail addresses and physical addresses. However Haddock discloses a user is able to specify a marker having a particular connotation (col. 3, lines 20 and 21). Hence a user may specify an address marker. Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Haddock wherein the group includes e-mail addresses and physical addresses. This modification allows a user to bookmark miscellaneous points of interest as suggested by Haddock (col. 5, lines 49 and 50).

Regarding claim 49, see col. 5, lines 45-50.

Regarding claim 50, see col. 5, lines 50-55.

Regarding claim 51, see col. 8, lines 15-25.

Regarding claim 52, see col. 8, lines 15-25.

Regarding claim 53, Haddock discloses the voice processing technique utilizes a voice parameter, the voice parameter being selected from the group consisting of number recognition and

word recognition (col. 8, lines 15-25). Haddock does not explicitly disclose the group includes amplitude, a plosive change, a pitch change and a combination thereof. "Official Notice" is taken that this limitation is both old and well known in the art. Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Haddock wherein the group includes amplitude, a plosive change, a pitch change and a combination thereof. This modification allows for markers to be found in recordings of meetings and general conversation as suggested by Haddock (col. 10, lines 24 and 25).

Regarding claim 54, Haddock discloses the user interface is selected from the group consisting of a graphical user interface and a mechanical user interface (see Figure 1). Haddock does not explicitly teach the group includes a telephone user interface and a voice command interface. "Official Notice" is taken that this limitation is both old and well known in the art. Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Haddock wherein the group includes a telephone user interface and a voice command interface. This modification allows for a system without a display as suggested by Haddock (col. 9, line 50).

Claim 55 is rejected for the same reasons as claim 48.

Claim 56 is rejected for the same reasons as claim 49.

Claim 57 is rejected for the same reasons as claim 50.

Claim 58 is rejected for the same reasons as claim 51.

Claim 59 is rejected for the same reasons as claim 52.

Claim 60 is rejected for the same reasons as claim 53.

Regarding claim 61, see column 5.

Regarding claim 62, see column 5.

Claim 63 is rejected for the same reasons as claim 54.

Response to Arguments

3. Applicant's arguments filed 4/28/4 have been fully considered but they are not persuasive. Applicant argues Haddock does not teach searching for predetermined content. However Haddock discloses recognizing speech by word spotting (column 8). Haddock's disclosed method of **word spotting** is functionally equivalent to the claimed method of searching for predetermined content. Applicant also incorrectly alleges Haddock does not teach marking located predetermined content. However According to Haddock, "the segment [word spotted segment] could be **labeled automatically**" (column 8). The disclosed Haddock-labeling-technique reads on the claimed method of marking located

predetermined content. Applicant further argues Haddock does not teach playing back the predetermined content by accessing the voice message at the marker. Nonetheless, Haddock indicates, "a next button 32 to **skip playback to the next segment of speech**; a repeat button 34 to **repeat playback of the most recently played segment of speech**" (column 5). As mentioned above, Haddock teaches each word-spotted segment is labeled (also see phone and memo icons in Figure 2). Thus, Haddock's playback feature is equivalent to the claimed method of playing back predetermined content by accessing the voice message at the marker.

Conclusion

4. **THIS ACTION IS MADE FINAL.** See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated

Art Unit: 2645

from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Olisa Anwah whose telephone number is 703-305-4814. The examiner can normally be reached on Monday to Friday from 8.30 AM to 6 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on 703-305-4895. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9314 for regular communications and 703-872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

O.A.
Olisa Anwah
Patent Examiner
May 5, 2004

FAN TSANG
SUPERVISORY PATENT EXAMINER
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